




1 Plaintiff hereby advises the Court that it does not elect a new trial. With regard  
 2 to remittitur, plaintiff respectfully submits that the amount of punitive damages should  
 3 not be remitted below \$450,000.  
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5 The parties have previously provided extensive briefing on the appropriate  
 6 amount of punitive damages. This Court upheld the jury's punitive damages award in  
 7 its entirety. Bains LLC v. ARCO Prods. Co., 220 F. Supp. 2d 1193 (W.D. Wash.  
 8 2002). All of the same reasons previously advocated by plaintiff to uphold the punitive  
 9 award in its entirety, and expressed by this Court in its post-trial decision, justify  
 10 setting the amount of punitive damages at the maximum amount permitted by the Ninth  
 11 Circuit's decision. The parties have been fully heard on this issue.  
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14 Accordingly, plaintiff requests that judgment be entered remitting the punitive  
 15 award to \$450,000, together with all amounts previously awarded for compensatory  
 16 damages, nominal damages, attorneys' fees and costs, and interest from the dates of the  
 17 original judgments.  
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19 DATED this 15<sup>th</sup> day of September, 2005.

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 24 Attorneys for Plaintiff  
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